



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-01358NS

Monday May 4, 2009

NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Amendment

On April 17, 2009, Harbinger Capital Partners Master Fund I, Ltd. and Harbinger Capital Partners Special Situations Fund, L.P. (collectively, "Harbinger") filed an amendment to ISP-PDR-20080129-00002 seeking approval under section 310 of the Communications Act, as amended, 47 U.S.C. § 310, to hold up to 62% of the equity interests of and no more than 49.99% of the voting interests of SkyTerra Communications, Inc. ("SkyTerra"). Harbinger states that its request takes into account shares of SkyTerra that are being held in two escrow accounts pending action on applications seeking the Commission's consent to transfer control of SkyTerra to Harbinger. See IB Docket No. 08-184, DA 09-996; File Nos. ITC-T/C-20080822-00397; SES-T/C-20080822-01089; SES-T/C-20080822-01088; SAT-T/C-20080822-00157; 0021-EX-TU-2008; ULS 0003540644; ISP-PDR-20080822-00016. Specifically, Harbinger states that its request to hold up to 62% of SkyTerra's equity would cover the shares previously authorized by the Commission (49.99%) on an interim basis, see FCC 08-77, and the shares held in escrow (including a cushion of approximately 3% to account for unanticipated share fluctuations and market exigencies), in the event the Commission attributes the escrowed shares to Harbinger for foreign equity purposes. Harbinger, however, contends that the voting shares held in escrow should not be counted against Harbinger's approved level of voting interest in SkyTerra (49.99%) because Harbinger has no right to vote the shares and has no influence over how the shares are voted. Harbinger states that it has neither de jure nor de facto control of SkyTerra because it has, respectively: (1) a less than 50% voting interest in SkyTerra, and (2) it has not elected a majority of SkyTerra's board, and it pledges that it will not elect a majority of SkyTerra's board unless the transfer of control applications referenced above are granted.

Interested parties may file comments on or before May 14, 2009 and reply comments on or before May 21, 2009.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>